

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
No. 1:14-cv-00954-LCB-JLW**

STUDENTS FOR FAIR	)	
ADMISSIONS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
THE UNIVERSITY OF NORTH	)	
CAROLINA AT CHAPEL HILL, et al.	)	
	)	
Defendants.	)	

**MOTION FOR LEAVE TO FILE A BRIEF AS *AMICI CURIAE* IN  
SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT  
BY ARCELORMITTAL USA LLC, ARIEL INVESTMENTS LLC,  
CAPITOL BROADCASTING COMPANY, INC., CISCO SYSTEMS, INC.,  
CUMMINS INC., DUKE UNIVERSITY HEALTH SYSTEM, INC., EBAY  
INC., ELI LILLY AND COMPANY, ENTERGY CORPORATION,  
ERNST & YOUNG, GENERAL MOTORS LLC, GLAXOSMITHKLINE  
LLC, THE HERSHEY COMPANY, HP INC., IBM CORPORATION,  
IKEA RETAIL US LLC, KPMG LLP, MICROSOFT CORPORATION,  
NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, INC.,  
PAYPAL HOLDINGS, INC., PEPSICO, INC., RED HAT, INC., THE  
REDWOODS GROUP, INC., REPLACEMENTS, LTD., RESEARCH  
TRIANGLE INSTITUTE, TAKEDA PHARMACEUTICALS U.S.A., INC.,  
UNITED AIRLINES, INC., AND YUM! BRANDS, INC.**

Pursuant to LR 7.5, ArcelorMittal USA LLC, Ariel Investments LLC, Capitol Broadcasting Company, Inc., Cisco Systems, Inc., Cummins Inc., Duke University Health System, Inc., eBay Inc., Eli Lilly and Company, Entergy Corporation, Ernst & Young, General Motors LLC, GlaxoSmithKline LLC, The Hershey Company, HP Inc., IBM Corporation, IKEA US RETAIL LLC, KPMG LLP, Microsoft Corporation, National Association for Stock Car Auto Racing, Inc., PayPal Holdings, Inc., PepsiCo, Inc., Red Hat, Inc., The Redwoods Group, Inc., Replacements, Ltd., Research Triangle Institute, Takeda Pharmaceuticals U.S.A., Inc., United Airlines, Inc., and Yum! Brands, Inc. respectfully move for leave of Court to file a brief as *amici curiae* in support of Defendants' motion for summary judgment.

*Amici* are prominent companies and non-profit organizations who do business in North Carolina and who recruit graduates of The University of North Carolina at Chapel Hill (UNC) or similar leading institutions of higher education. *Amici* have a substantial interest in this case.

In particular, *amici* believe that racial and ethnic diversity are indispensable to *amici's* industries. These points echo those made in amicus briefs filed by similar businesses in the seminal U.S. Supreme Court cases on diversity in higher education. The Supreme Court has expressly cited and relied on these points. *Grutter v. Bollinger*, 539 U.S. 306, 330 (2003) (“[M]ajor American businesses have made clear that the skills needed in

today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints.”)

*Amici* therefore respectfully request leave to file a brief in support of Defendants' motion for summary judgment to emphasize the essential role that diversity plays in the vitality of their organizations and to ensure that colleges and universities retain flexibility to achieve diversity across multiple dimensions. Pursuant to LR 7.5(b), *amici* have conditionally filed the brief with this motion and are submitting a proposed order with the motion.

This the 18th day of January, 2019.

ELLIS & WINTERS LLP

/s/ Stephen D. Feldman

Stephen D. Feldman

N.C. State Bar No. 34940

stephen.feldman@elliswinters.com

James M. Weiss

N.C. State Bar No. 42386

jamie.weiss@elliswinters.com

Michelle A. Liguori

N.C. State Bar No. 52505

michelle.liguori@elliswinters.com

Post Office Box 33550

Raleigh, North Carolina 27636

Telephone: (919) 865-7000

Facsimile: (919) 865-7010

*Counsel for Amici Curiae*